

09/713,425

REMARKS

Pending claims

While the Office Action indicates claims 1-79 are pending, Applicants believe claims 1-59 and 64-69 have been cancelled (see response to restriction requirement filed November 4, 2002). Clarification is respectfully requested.

Claim 60 is amended herein to recite that the "polypeptide is noncovalently bound to an FcγR allotype or an extracellular domain thereof." The polypeptide variant noncovalently bound to, or complexed with, the FcγR allelic variant (or at least the ECD thereof) is exemplified in Example 5 on pages 98-107 of the application. Binding to extracellular domain of the FcγRIII is taught on at least page 62, lines 24-25. Noncovalent binding is referred to on page 24, lines 26-27. The complex may occur *in vivo* (see, e.g., page 60, lines 1 and 4).

Claims 80-83 added herein find support at least as follows: claim 80 (claim 63); claim 81 (claim 2); and claim 82 (claim 15).

In that the amendments do not introduce new matter, entry thereof is respectfully requested.

Restriction

The Examiner has asked that claim 60 be amended to reflect the elected embodiment of Group IX (polypeptides with an increased binding affinity for an FcγR allotype), and that any residues recited in claim 60 which the disclosure has identified as being altered to reduce, rather than enhance, FcγR allotype binding should be deleted.

Applicants have amended the claim as requested by the Examiner (see page 79, first line, and page 101, line 28 concerning position "305" and page 79, line 8 and page 101, line 34, concerning position "317"), but note that the amendment relates to the restriction requirement, rather than patentability of the claims.

Section 102(b) or (e)

Claims 60-63 are rejected under 35 USC Section 102(b) or 102(e) as being

Serial No.: 09/713,425

anticipated by Idusogie et al. WO99/51642 or US Patent No. 6,242,195.

The rejections are obviated by the amendment herein of claim 60, since column 38, lines 53-55 of the '195 patent referenced in the rejection concerns the antibody variant noncovalently bound to Clq, as opposed to an FcγR allotype. Reconsideration and withdrawal of the Section 102(b) and (e) rejections is respectfully requested.

Section 102 (e)

Claims 60-63 are rejected under 35 USC Section 102(e) as being anticipated by Idusogie et al. US Patent No. 6,528,624.

The rejection is obviated by the amendment herein of claim 60, since Table 3 of the '624 patent noted in the Office Action teaches the antibody variant noncovalently bound to Clq, as opposed to an FcγR allotype. Reconsideration and withdrawal of the Section 102(e) rejection is respectfully requested.

Obviousness-type double patenting

Claims 60-63 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12 and 18 of US Patent No. 6,528,624.

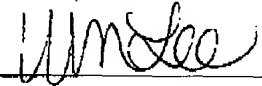
This rejection is obviated by the amendment herein of claim 60, since claims 12 and 18 of the '624 patent do not require that the variant be noncovalently bound to an FcγR allotype. Reconsideration and withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Statement of Related Cases

Applicants submit herewith a statement of related cases and ask that the Examiner consider the related applications with respect to prosecution of the present application.

Respectfully submitted,
GENENTECH, INC.

Date: November 4, 2003

By: 
Wendy M. Lee
Reg. No. 40,378
Telephone: (650) 225-225-1994